



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,699	08/05/2003	Pablo Umana	1975.0010004/TJS	5489

26111 7590 08/08/2008

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 08/08/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10633699	8/5/03	UMANA ET AL.	1975.0010004/TJS

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

Michael Burkhart

ART UNIT	PAPER
----------	-------

1633	20080731
------	----------

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Newly submitted claims 143-171 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the previously pending claims (e.g. claim 109) recited antibodies with a non-fucosylated glycan structure whereas the instant claims recite antibodies having a increased bisecting GlcNAc glycan structures. Thus, the scope of these different classes of antibodies does not overlap to any significant extent and they are considered different inventions.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 143-171 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on 5/14/2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they recite different antibodies in relation to the previously recited antibodies. That is, the previously pending claims (e.g. claim 109) recited antibodies with a non-fucosylated glycan structure whereas the instant claims recite antibodies having a increased bisecting GlcNAc glycan structures. Thus, the scope of these different classes of antibodies does not overlap to any significant extent and they are considered different inventions. A shift in invention is generally not permitted, see MPEP §819

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Michael Burkhart/
Primary Examiner, Art Unit 1633